

Minutes of the Special And Regular Meeting of Tuesday, July 26, 2005
City Council Chambers, One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 6:20 P.M

- A. Conference with Labor Negotiator, Jack Crist, pursuant to Government Code Section No. 54957.6: AFSCME.
- B. Conference with Agency Representative Jack Crist, per Government Code Section 54957.6: Unrepresented Managers (Assistant City Manager, City Clerk, Community Development Director, Finance Director, Human Resources Director, Parks and Recreation Director, Police Chief, Public Works Director).

Attended by Councilmembers Feierbach, Mathewson, Metropulos, Warden, City Attorney Zafferano (Item A only) Interim City Manager Jack Crist, Human Resources Director Dolan (Item A only), and Fran Buchanan (Negotiator, Item A only). Councilmember Bauer was absent. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:30 P.M.

Terri Cook

Belmont City Clerk

Meeting not audio recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:40 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Mathewson, Metropulos, Warden

COUNCILMEMBERS ABSENT: Bauer

Staff Present: Interim City Manager Crist, City Attorney Zafferano, Community Development Director Ewing, Human Resources Director Dolan, Public Works Director Davis, Interim Parks and Recreation Director Bridges, City Clerk Cook.

REPORT FROM CLOSED SESSION

Mayor Warden announced that direction had been given but no action taken during the Closed Sessions held earlier in the evening. He also announced that as a result of direction from a Closed Session held on June 28, 2005, by a vote of 5-0, an agreement had been reached with Murray & Associates (on file in Clerk's Office).

PUBLIC COMMENTS AND ANNOUNCEMENTS

Kathleen Beebe, AFSCME representative, stated that in the past the Council and AFSCME have made a mutual effort regarding budgetary issues, especially in recent years as a means to hold off massive cuts to departments. Employees re-distributed the workload, and continued to deliver high-quality work. AFSCME entered this year's negotiations with the expectation of the same tone of respect as in previous years, but there was a lack of respect this year.

Kirk Buckman, Belmont AFSCME Steward, stated that all employees are aware of the City's financial situation, and tolerated a zero increase and a work furlough in previous years. They had an understanding of future improvements. Employees want rewards and compensation for the work that the residents expect.

Joan Peceimer, Friends of the Belmont Library (FOBL), announced that FOBL would be sponsoring "the Bubble Lady" program on August 17 at the Senior and Community Center.

Patrick Cornell, AFSCME employee, stated that employees are trying to take care of their families and are trying to do their best in taking care of the City. They were under the impression that improvements were forthcoming.

Judy King, Belmont Park Boosters President, stated that the final concert of the season would be held on July 24. She noted that next year would be the 30th anniversary of the concerts.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Metropulos announced that over \$100,000 had been raised during the American Cancer Society's Relay for Life held recently at Carlmont High School. He thanked those who participated and also thanked the community for its support. He also announced that the Belmont Blast All Stars team won the regional championship and were headed to Texas for the nationals.

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of June 24, 2005

Acceptance of Belmont Library/Belameda Park Project - July Monthly Update

Approval of Resolution 9683 Approving First Amendment to and Restatement of the Joint Powers Agreement Establishing the Peninsula Congestion Relief Alliance

Approval of Resolution 9684 Rejecting all Bids for the 1133/1145 Alameda de las Pulgas Creek Stabilization Project, Authorizing the Re-bidding of the Shear Pin Wall Work as Phase I, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$125,000, Approving a Construction Contingency not to Exceed \$12,500, and Authorizing the City Manager to Execute a Contract for 1133/1145 Alameda de las Pulgas Creek Stabilization Project Phase I - Shear Pin Wall, City Contract Number 419B

Approval of Resolution 9685 Approving Contract and Appointing Marc L. Zafferano as City Attorney

Approval of Resolution 9686 Authorizing Carryover of Community Group Funding for Belmont-Namur Sister City Committee

Approval of Resolution 9687 Authorizing the City Manager to Enter into a Cooperative Agreement between the State of California and the City of Belmont for the U.S. Highway 101 Bicycle/Pedestrian Bridge Project, City Contract Number 433

Approval of Resolution 9688 Approving the Memorandum of Understanding Between the City of Belmont and Mid-Management and Confidential Employees Association.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the Consent Agenda was unanimously approved by a show of hands (4-0, Bauer absent).

OLD BUSINESS

Discussion and Direction for On-Street Parking on Alameda de las Pulgas, Area of Carlmont High School

Public Works Director Davis stated that this issue arose during the recent Council discussion of a proposed permit-parking program in the Carlmont High School neighborhood. He noted that staff would continue to discuss on-site parking at Carlmont with the school staff, and tonight's discussion involves on street parking solutions. He described the four options being proposed, including the pros and cons of each. He noted that a mid-block crosswalk would not likely be used, and recommended against its installation.

Raul Zamora, Administrative Vice Principal, Carlmont High School, stated that two years of on-site construction at the high school had shifted parking off site. He noted that new on-site spaces had recently been added, with an additional 52 spaces still forthcoming. He expressed a preference for one of the two parking options that include a barrier.

Belmont Police Captain Wood stated that all four options are viable, but all four also present concerns. He noted that school programs might impact parking and existing patterns in the neighborhood.

Councilmember Metropulos stated that parking area barriers are used successfully in other cities, making it an attractive option. He expressed concerns regarding the costs of widening the road.

Public Works Director Davis noted that Measure A funds could be used for this project, and he described other funding options.

Councilmember Feierbach stated she supports increasing the number of parking spaces, but was concerned about costs. She would like to discuss this issue with other stakeholders before making a final decision. She would support taking property away from Carlmont High.

Councilmember Mathewson stated that the barrier option could be a viable solution. He expressed safety concerns regarding the potential reduction of travel lanes. He recommended waiting to evaluate the effect of the additional 52 on-site parking spaces.

Mayor Warden stated that he does not support the use of berms on roadways with lower speed limits such as in school zones, and does not support acquiring additional right-of-way. He recommended Scenario A, which adds 27 spaces on Alameda without making any roadway changes.

George Kranen, Notre Dame Avenue, asked whether diagonal spaces would be long enough to accommodate larger vehicles.

Public Works Director Davis responded that a standard 18-foot parking space should accommodate most vehicles. In response to Councilmember Metropulos, he also clarified that there are no requirements to provide on-street handicapped parking spaces, as they are usually provided on site.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Metropulos, and unanimously approved by a show of hands (4-0, Bauer absent), to conceptually approve “Scenario A” (adding 27 spaces of 45-degree diagonal parking on the west side of Alameda), to seek additional input from the Police Department and Carlmont High School staff regarding this option, and to return to City Council at a later time for formal approval.

Discussion and Direction for Paper Streets and Trails

Public Works Director Davis introduced Engineering Technician Phillip Esqueda, who is working with City Engineer Phalen on this project. He noted he is providing Mr. Esqueda with the opportunity of presenting the staff report on this topic as a way to hone his public speaking skills.

Engineering Technician Esqueda provided historical background of the dedication of streets and trails for pathway use throughout the City. He reviewed the activities that had taken place since this item was before the City Council in April, including property title searches and the renumbering of the paths on the map. He described the process used for paper streets and trails in the cities of Los Altos Hills and Berkeley. He noted that a nonprofit organization was founded in Berkeley, which collects funds for the maintenance and improvement of its pathways.

Engineering Technician Esqueda stated that 65 paths have been identified in Belmont, and title reports may be necessary for a number of the paths, many of which would require reports on more than one parcel. There is a cost for each title search, which could be prohibitive. He reviewed the proposed work plan.

In response to Council questions, Public Works Director Davis noted that volunteers such as Eagle Scouts or neighborhood or civic groups could be used for future improvements. He clarified that the classification of an impassable trail referred to the fact that the grade was too steep, there was much vegetation, or structures had been built upon the trail. He noted that staff had identified fewer than 10 paths containing permanent structures, and the City could require proof from those owners that they were entitled to build in the pathway. Mayor Warden commented that title insurance is available to owners for issues such as this.

City Attorney Zafferano stated that he could draft a letter to owners to require such proof.

Mayor Warden stated it was important to know what properties the City owns and which it does not. If not owned, they should be removed from the list. The paths are useful, and a good foundation has been laid for future improvements. He supports the use of volunteers for future improvements.

Councilmembers commended Engineering Technician Esqueda for his work on this project and his report.

Consideration of Resolution to place a proposition on November 8, 2005 ballot requiring voter approval of certain amendments to the existing hillside residential and open space

zoning districts (HRO-1, HRO-2, HRO-3), and associated General Plan land use amendments.

Councilmember Feierbach stated that she lives within 500 feet of one of the lots that would be affected by this initiative, and requested clarification regarding conflict of interest. City Attorney Zafferano responded that the Fair Political Practices Commission (FPPC) would otherwise require recusal of Councilmember Feierbach from this discussion. The exception is that if an issue under consideration affects more than 10 percent of the City. Since this initiative affects 16 percent, exceeding the threshold, Councilmember Feierbach is permitted to participate.

City Attorney Zafferano explained the effect of the proposition in the HRO zoning district. He clarified that if passed, it would amend the General Plan land use designation for all HRO and HRO-P zones regarding any desire to up-zone the property for increased density. It would also require a vote for any road extension. He also clarified that it does not change any development standards, and it does not change the requirements or standards in any other zoning designation. He noted this initiative requires a simple majority vote to pass.

City Attorney Zafferano stated that per Council direction, the initiative title has been simplified. The ordinance has been modified to include road development standards and a provision that a proponent of any development provision covered by the initiative be responsible for future election costs. Not included in the ordinance is language referencing the San Juan Hills and Western Hills Plans, as this could complicate the ordinance. The proposed ordinance addresses the concerns of the Council for purposes of future development in the designated areas.

Community Development Director Ewing stated that the City recently received a letter from a property owner raising the question of affordable housing and traffic issues. He clarified that after reviewing Belmont's existing housing element, nothing would be affected by this initiative, since no additional units are being proposed. He also clarified that any future project would require its own CEQA (California Environmental Quality Act) review, and that the ballot initiative is not subject to CEQA review. He also clarified that secondary dwelling units are exempt from this initiative.

Councilmember Feierbach clarified that if a parcel is permitted to have ten homes under the current standards, and an applicant desires to build twenty homes, the need for an election would be triggered.

Sandra Hutchinson, Hastings Drive, stated that the San Francisco Peninsula has experienced a building boom since World War II. She stated that air quality is important, as is quality of life, and redwood trees have been cut down to build houses. She recommended keeping open space as a legacy.

Adele Della Santina, St. James Road, stated that growth has been controlled with the San Juan Plan, slope density, and the lot merger program. She described a 17-acres parcel she is currently marketing for sale. This initiative would trigger additional expenses for a small developer. The Planning Commission and City Council have control. A large developer can afford a campaign and will make promises to the voters. She recommends spending the election costs on irrigation for the Ralston medians.

Carol Rossi, on behalf of the San Juan Canyon Preservation Trust, expressed her support for this initiative.

RECESS: 8:55 P.M.
RECONVENE: 9:00 P.M.

In response to Councilmember Feierbach, City Attorney Zafferano clarified an election would be required for the building of a road even if it is proposed to be narrower than the current standard. He recommended a continuance of this item to address the issue of potential future re-designation of the HRO zoning in the initiative language. He noted that there is a desire to keep the ordinance language simple while accomplishing the goals of the Council. A study session could be scheduled prior to the next Council meeting to fine-tune the ballot language, or the Council could designate a subcommittee to address the final ordinance language.

Council concurred to designate a subcommittee consisting of Councilmember Feierbach and Mayor Warden.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, and unanimously approved by a show of hands (4-0, Bauer absent), to continue this item to the meeting of August 9, 2005.

NEW BUSINESS

Discussion and Direction Regarding an Amendment to the Municipal Code Section 5-28 to Exempt Pygmy Goats from the Provisions of Chapter 5, Article II

Community Development Director Ewing stated that staff was not recommending a city-wide exemption of pygmy goats from the provisions set forth in Chapter 5 of the Municipal Code. He noted that the issue is not just lot size, but setbacks, which is a neighborhood protection issue. He stated that the Municipal Code requires that all livestock be neutered.

Kevin Marr, Monserat Avenue, stated that he supports Belmont's livestock regulations, but that pygmy goats require less space than other livestock. Altered pygmy goats have no odor. They make less noise than a dog, and have the same space requirements of a dog. He stated that a full-grown pygmy goat is 18 inches and less than 40 pounds, and are not dangerous.

In response to Council questions, Mr. Marr clarified that pygmy goats are a variety or breed of goat, and are bred as pets, not for milk or meat production. He also described cost and space requirements, and noted that many breeders investigate the owner's property prior to sale. He noted that few veterinarians care for pygmy goats, so this issue could reduce the potential for pygmy goats to be a fad pet.

In response to Council questions, City Attorney Zafferano clarified pygmy goats could either be exempted from this Municipal Code section, or the standards could be modified to accommodate them.

Councilmember Mathewson stated that exemption from the municipal code could affect the whole city. He would consider an option to allow them. Goats can be noisy and smelly. He cited the rabbit issue that Council dealt with several years back.

Mayor Warden clarified the rabbit issue was care, not number. He stated that adequate neighborhood protection was necessary, and issues to be addressed include yard size, complaint/nuisance protection, size, weight, and neutering. He would support having some goats in Belmont.

Councilmember Metropulos stated that he would like professional information on the required minimum lot size to prohibit proliferation.

Council concurred to direct staff to provide additional information regarding an exemption or modification of standards to permit pygmy goats within city limits and to return to Council for further direction or action.

Discussion and Direction on Draft Belmont Municipal Code Amendment Regarding Noise Control

Community Development Director Ewing stated that the proposed framework was modeled from an existing ordinance in Menlo Park. He outlined a number of policy issues to be addressed by Council for inclusion in a Belmont ordinance. He noted that it may be beneficial to appoint a subcommittee to address specifics.

Councilmember Feierbach stated that decisions regarding parameters such as decibel levels may be arbitrary, and she would support a subcommittee composed of members of the Planning Commission and the Police Department to address the details.

Councilmember Metropulos stated he supported a subcommittee, and recommended including a decibel chart. Mayor Warden recommended inclusion of leaf blowers, and Councilmember Mathewson recommended addressing the issue of barking dogs.

Warren Lieberman, Miramar Terrace, stated that there is an issue with 3:00 a.m. trash and recycle pickup at Notre Dame de Namur University.

Community Development Director Ewing noted that trash pickup is addressed in the proposed ordinance.

Jacki Horton, Planning Commissioner, recommended that rooftop mechanical equipment be allotted its own section in the ordinance.

Councilmember Metropulos stated that a prohibition on amplified sound at outdoor events is unfair.

Mayor Warden stated that amplified music on private property can be issue, and the proposed ordinance should have enforceable decibel limits.

Community Development Director Ewing clarified that the application for use permits for amplified music is addressed in the proposed ordinance. He noted that special activities and circumstances could be addressed separately.

City Attorney Zafferano stated that since legal issues have already been addressed in the proposed ordinance, all that remains are policy issues, so his participation on the subcommittee would not likely add value to the discussion. He offered to participate, if desired.

In response to Councilmember Mathewson's suggestion to include a member of the business community, Mayor Warden clarified that this issue would necessitate the adoption of an ordinance, which will require a public hearing. Business representatives can provide input at that time, if there is any. Councilmember Feierbach added that most noise issues are in the residential neighborhoods.

Council concurred to form a subcommittee to address details of the proposed ordinance, and concurred to include Councilmember Feierbach, Planning Commission Horton, and a Police Department representative as its members.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

FY 2006 Budget Funding Recommendation for Planning Position

Community Development Director Ewing stated that this represented the creation of two positions from the previous one full-time Housing Specialist. He clarified that the cost of half of one of the planner positions would be paid from the Low-to-Moderate Income Fund, and half from the Development Services Fund. He noted that new revenues to cover the cost of the second position could come from planning services.

Warren Lieberman, Chair, Finance Commission, stated that the Commission had discussed this issue and concurred with the funding issue. The Redevelopment Agency can support the costs. The Commission recognizes that the additional planning position will help reduce the backlog, thereby improving customer service. With projects completed, the property tax increment will increase. The offset cost may not be fully realized, but would help. He noted the cost is not materially significant. He recommended tracking performance for the continuation of funding in subsequent years.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Metropulos, and unanimously approved by a show of hands (4-0, Bauer absent) to adopt the funding scheme for the additional planning position, with the Budget Correction to be made at mid-year.

Resolution Authorizing Contract with the Firm of Management Partners for the Professional Services of Mr. Mike Bridges

Interim City Manager Crist stated that the City had contracted with Management Partners to secure the part-time services of Mike Bridges. He described Mr. Bridges' background, and noted that he had previously worked in Belmont as Assistant City Manager.

ACTION: On a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, Resolution 9689 Authorizing Contract with the Firm of Management Partners for the Professional Services of Mr. Mike Bridges was unanimously approved by a show of hands (4-0, Bauer absent).

Council Intergovernmental Assignment Updates

Councilmember Mathewson reported that Crisis Intervention Training was reviewed at a recent Criminal Justice Council meeting. He noted that Chief Mattei was supportive, and Corporal DeSchmidt was one of the trainers. He also noted that although the City was no longer a member of the Housing Endowment and Regional Trust (H.E.A.R.T.), he continues to serve on one of its subcommittees. He noted that a senior housing project in Daly City received the first funding grant from H.E.A.R.T.

Councilmember Mathewson also stated that the speaker at a recent Council of Cities meeting discussed issues dealing with terrorism.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of resolution to decouple Department head salary increases from MMCEA agreements (Warden)

Mayor Warden stated that the department head salary increases are now tied to those received by the MMCEA bargaining unit. His desire is for the City Manager to control department head raises to be tied to performance.

Interim City Manager Crist stated that this can be addressed, if desired.

Council concurred to consider a future resolution regarding this issue.

ADJOURNMENT, at this time, being 10:05 p.m. to Continued Closed Session

CONTINUED CLOSED SESSION

- B. Conference with Agency Representative Jack Crist, per G.C. Section 54957.6: Unrepresented Managers (Assistant City Manager, City Clerk, Community Development Director, Finance Director, Human Resources Director, Parks and Recreation Director, Police Chief, Public Works Director).

Attended by Councilmembers Feierbach, Mathewson, Metropulos, Warden, Interim City Manager Jack Crist. City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 11:00 P.M.

Terri Cook
Belmont City Clerk

Meeting Tape Recorded and Videotaped (except Closed Session)
Audio Recording 614